

Judge: Timothy W. Dore  
Chapter: 13  
Hearing Date: October 04, 2017  
Hearing Time: 9:30 a.m.  
Hearing Location:  
U.S. Bankruptcy Court  
700 Stewart St #8106  
Seattle, WA 98101  
Response Date: September 27, 2017

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

PEGGY J HOUGARDY,  
Debtor(s).

IN CHAPTER 13 PROCEEDING  
NO. 16-13219-TWD

RESPONSE TO MOTION FOR  
VOLUNTARY DISMISSAL

K. Michael Fitzgerald, Chapter 13 Trustee, responds to the debtor's Motion for Voluntary Dismissal (ECF No. 60):

The Trustee does not necessarily oppose the debtor's motion, but the debtor's motion has two defects:

1) The debtor did not include a proposed order, as required. Local Bankr. 9013-1(d)(1)(D). The Trustee and creditors should be able to see the debtor's proposed form of order in the event they have any objection to the form.

2) There is no indication on the docket that the debtor served her motion. In any proceeding which is to be accorded finality, due process requires notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. *Mullane v. Central Hanover Bank & Trust Co. et al.*, 339 U.S. 306, 314 (1950).

WHEREFORE, the Chapter 13 Trustee requests that the Court deny the debtor's Motion for Voluntary Dismissal.

Dated this 6th day of September 2017

/s/ Jason Wilson-Aguilar, WSBA #33582 for  
K. MICHAEL FITZGERALD  
Chapter 13 Trustee

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